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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number	10/679,769
Filing Date	10/06/2003
First Named Inventor	James S. McClain
Art Unit	2622
Examiner Name	Cutler, Albert H.
Attorney Docket Number	McClain 3

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1 REPLACEMENT SHEET OF DRAWING
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	PATENT SERVICES		
Signature	<i>Mark Clodfelter</i>		
Printed name	Mark Clodfelter		
Date	June 27, 2007	Reg. No.	34,564

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Mark Clodfelter	Date	June 27, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (05-07)

Approved for use through 06/30/2007. OMB 0551-0032

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2007☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 60

Complete if Known

Application Number	10/679,769
Filing Date	10/06/2003
First Named Inventor	James S. McClain
Examiner Name	Cutler, Albert H.
Art Unit	2622
Attorney Docket No.	McClain 3

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP =	x	=	
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HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP =	x	=	
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HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1 month extension of time

Fees Paid (\$)

60

SUBMITTED BY

Signature	<i>Mark Clodfelter</i>	Registration No. (Attorney/Agent)	34,564	Telephone (256) 895-8339
Name (Print/Type)	Mark Clodfelter	Date	June 27, 2007	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Mark Clodfelter

61-559-020

1293

Patent Account

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JUNE 27 2007

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PATENT & TRADEMARK OFFICE

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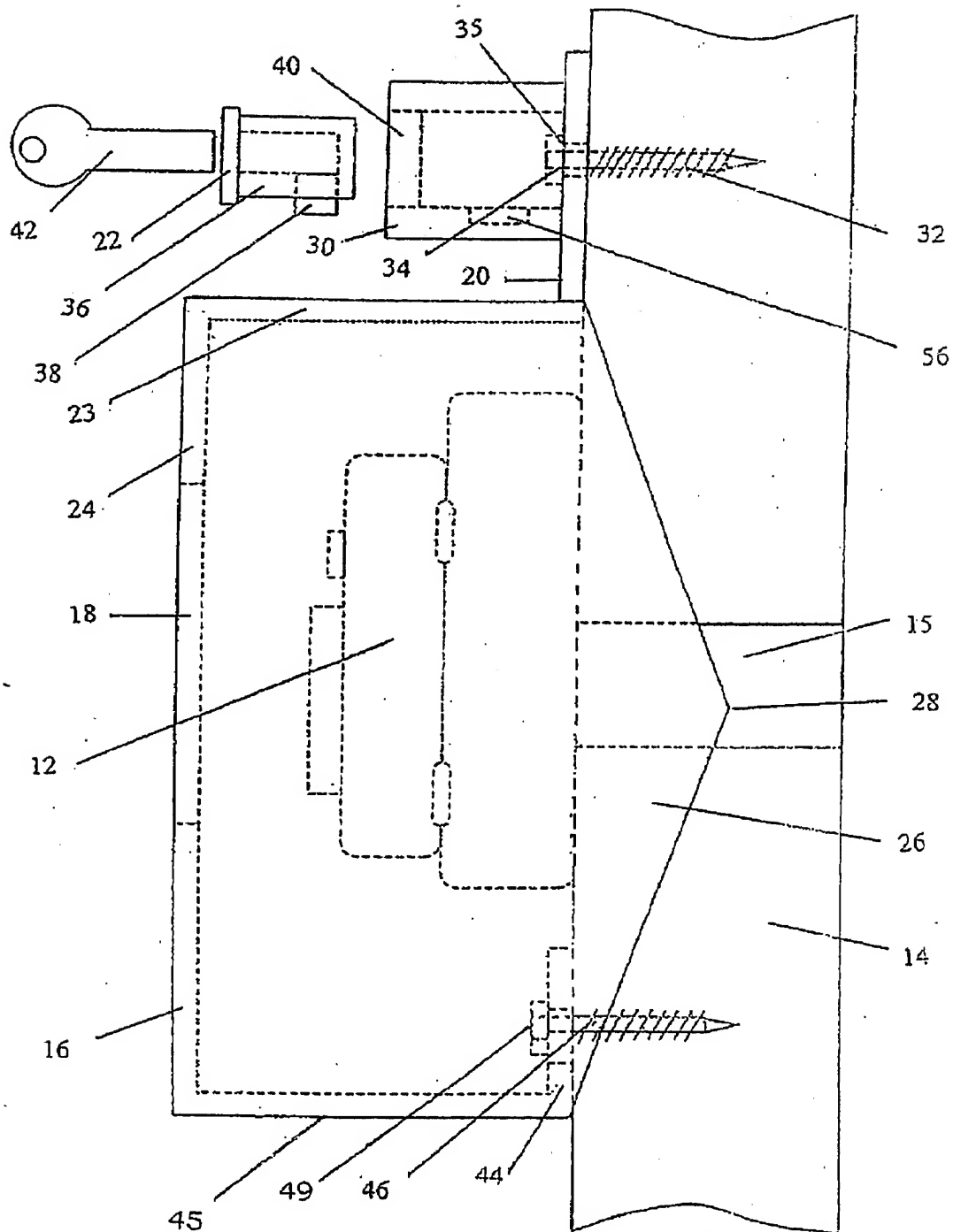


Fig. 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
James S. McClain
For: ANTI-THEFT DEVICE FOR BIG
GAME SURVEILLANCE CAMERA
Application no: 10/679,769
Filed: 10/06/2003
Docket no: McClain 3
GAU: 2622
Examiner: Cutler, Albert H.

AMENDMENT UNDER 37 CFR 1.111

The office action mailed 02/27/2007 has been carefully considered,
and Applicant responds as follows:

REMARKS

IN THE DRAWINGS

The corrections to Fig. 2 are made on the replacement sheet of drawing of Fig. 2 as required by the Examiner. Here, "bottom 45" and "head 49 of the lag bolt" are respectively labeled.

CLAIM OBJECTIONS

Claims 2 and 4 have been amended to more properly depend from claim 1 as noted by the Examiner.

CLAIM REJECTIONS UNDER 35 USC 103

Claims 1-7 are rejected over the reference to Bakshi, which teaches a

vehicle mountable audio/video surveillance system for monitoring school buses and the like. A housing either containing a camera and microphone or a dummy camera and microphone is mounted to a bracket system, the bracket system in turn mounted to an interior wall of the bus, as shown in Figs. 3 and 3a, typically with conventional fasteners (paragraph bridging Cols. 3 and 4). Significantly, the camera housing body containing either a camera or a dummy camera is completely removable by removing a single screw 64 screwed into a "mounting box 14", the screw 64 being accessible from the front of the camera housing (Col. 3 lines 53-57, Col. 4 lines 14-15, Col. 5 lines 36-39, Fig. 4). Screw or bolt 64 is disclosed as being "tamper-proof".

While screw or bolt 64 that holds the camera housing to its respective bracket is described as being "tamper-proof", the appropriate tool/tools or tool bits to remove such "tamper-proof" screws or bolts are widely available at hardware stores, discount stores and automotive parts and supply stores. As such, housing 10 is not "theft proof" because bolt 64 is accessible to a thief, and may be easily removed to steal the camera with a readily available tool. Further, it is readily apparent that the bracket assembly (Figs. 3, 3a) of Bakshi may be easily disassembled using common hand tools for the purpose of stealing the camera and cutting or pulling out the electrical cord/connector. No such opportunity exists in Applicant's structure as claimed in claim 1 because there is no access whatsoever of any of the fasteners thereof that would permit a thief to remove Applicant's device. Specifically, this is seen in Applicant's claim 1 wherein "said bottom side at a rear location thereof

connected to a first vertical and upwardly extending bracket having defined therein an opening including an enlarged lower portion allowing passage of said bracket over a lag bolt head and a narrower passage allowing sliding vertical movement, but not movement away from the tree so that the first bracket may be hooked over the first lag bolt and pulled downward into position". In contrast, the structure of Bakshi does not include or require along its bottom side "a first vertical and upwardly extending bracket having defined therein an opening including an enlarged lower portion allowing passage of said bracket over a lag bolt head and a narrower passage allowing sliding vertical movement, but not movement away from the tree...". As such, the housing of Bakshi is not connected to anything along its bottom side, as required by Applicant's claim 1. Applicant's claim 1 further provides at a rear portion of the top side "a second vertical and upwardly extending bracket having defined therein an opening for receiving a second lag bolt connecting said second bracket to said tree...". Again, there is no such structure in the reference to Bakshi. Rather, there is a "mounting box 14" along the upper side of the housing of Bakshi that attaches at its top, horizontal surface to a bracket assembly. The "housing" of Bakshi simply cannot be attached at two upper and lower points to "a tree" in the manner claimed by Applicant.

Applicant further provides "a hub connected to said second bracket and disposed around a head of said second lag bolt, precluding access to the second lag bolt in a radial direction and a plug lock engageable with said hub, precluding access in an axial direction...". While the head of bolt 64 of Bakshi

is in a recessed opening, his recessed opening has no provisions for receiving "a plug lock" as specified by Applicant's claim 1 in order to deny access to the bolt by a potential thief "in an axial direction". Further, bolt 64 of Bakshi cannot correspond to Applicant's "second lag bolt" that would attach the housing to a tree, because bolt 64 extends into "mounting box 14" that in turn is mounted at its top surface as described above. Were the "mounting box 14" eliminated so as to mount the housing using bolt 64, it would still be impossible to mount the housing securely to "a tree" as claimed by Applicant, because electrical connector 35 and cord 60 would present an obstruction, and likely damage or destroy electrical connector 35 and motherboard 26 by forcing connector 35 inward against the motherboard. As such, this configuration is unworkable.

The combination of Bakshi and Haugaard modifies the housing of Bakshi by placing the keyhole bracket of Haugaard at "the bottom of the back portion of the housing..." in order to "use that bracket to mount the housing to a wall...". However, as the "mounting box 14" and "mounting bracket 16" of Bakshi present relatively large obstructions at the top of the housing between the housing and "a wall" that would require tilting the housing downward by about 30 degrees or so, the camera would no longer be functional for its intended purpose as a surveillance camera because the camera would be pointed at the ground. In addition, such an angular orientation of the housing may cause a keyhole bracket mounted as suggested by the Examiner, in which the keyhole opening is in a surface of the bracket parallel to the housing, to be

an inoperable mounting. Further, such a mounting would rigidly fix the housing in one orientation, which would also make the housing inoperable for its purpose of allowing "the camera to be mounted in any desired orientation" (Bakshi, Col. 4 lines 10-12). Such a mounting would also change the mode of operation of the housing, i.e. making it fixed instead of allowing the housing to be mounted "in any desired orientation". The above flaws in the combination of Bakshi and Haugaard also strongly suggest a lack of suggestion and motivation to combine these references, and for improper hindsight reconstruction as such a combination cannot be found in the prior art, and appear to be assembled from diverse, unrelated elements in the prior art using Applicant's disclosure as a guide.

The addition of the plug lock of McClain does nothing to cure the deficiencies of the prior art as noted above. Further, since the housing may simply be unbolted from the bracket 16 and stolen as noted above, the addition of a plug lock to bolt 64 finds no motivation or suggestion to combine in the prior art.

For reasons noted above, it is respectfully submitted the rejection to claim 1 is defective, and should be withdrawn.

Claims 2 - 7, being dependent on a base claim believed allowable, should also be found allowable upon claim 1 being found allowable.

The claims have been amended to correct antecedence, and to delete double occurrences of words in claims 5 and 6. Otherwise, no other amendments are made that would require a new search. No new matter is added with this amendment.

As the application is believed in condition for allowance, favorable action is respectfully requested. A 1-month extension of time petition is provided herewith, along with a check in the amount of \$60.00 to cover the cost of the extension.

Respectfully Submitted By:



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